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FROM: Michele Holden, Reg. No. 44,576
RE: *Response to Election/Restriction Requirement*
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Please log the attached Response to Election/Restriction Requirement for the following application:

U.S. Patent Application Ser. No. 10/688,696
Art Unit: 3632
Examiner: Ramon Ramirez
Attorney Docket: RKH-001

Please refer any questions to the above-identified attorney.

A hard copy will also be mailed via U.S. Mail.

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RKH-001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

ROBERT K. HOOD

Serial No.: 10/688,696

Filed: October 20, 2003

For: DETACHABLE SWIMMING POOL
SHADE AND SPORT MOUNTING

Art Unit: 3632

Examiner: Mr. Ramon Ramirez

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RESPONSE TO ELECTION/RESTRICTIONS REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed on September 15, 2005, Applicant hereby provisionally elects, with traverse, the inventions set forth in invention set I, comprising "claims 6, 7 and 14-26 drawn to a mounting apparatus, classified in class 248, subclass 5128" for examination in the present application.

However, applicant respectfully traverses the restriction requirement because the elected claims of invention set I and the non-elected claims, identified as invention set II, comprising claims 9-13 are not distinct inventions. As the Examiner correctly notes, the inventions are indeed related as subcombinations. However they do not have separate utility. Again as the Examiner notes, the inventions claimed in claims 6, 7 and 14-26 are drawn to a mounting apparatus, the inventions claims in claims 9-13 are also drawn to a mounting apparatus for securing any type of pole member. Claims 9-13 are merely more restrictive in that they are limited to a mounting apparatus wherein the pole member comprises a shade. As such, there is no separate utility of one invention distinct from the other.

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Moreover, the claims are sufficiently related that a thorough and complete search for the mounting apparatus of invention set I would necessarily encompass a thorough and complete search for the non-elected invention set II.

Accordingly, it is respectfully requested that the election/restrictions requirement be withdrawn and that all claims recited herein be examined.

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Respectfully submitted,

ROBERT K. HOOD

Date: October 13, 2005

By: *M. Holden*
Michele Holden
Registration No. 44,576

Certificate of Mailing and Transmission

I hereby certify that this correspondence is being deposited this date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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M. Holden 10/13/05 11:30 am PST
Michele Holden Date/Time
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